



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE #14

In re application of:

CHEO *et al.*

Appl. No. 09/732,914

Filed: December 11, 2000

For: **Use of Multiple Recombination
Sites with Unique Specificity in
Recombinational Cloning**

Confirmation No. 2341

Art Unit: 1636

Examiner: Ketter, James S.

Atty. Docket: 0942.5010002/RWE/BJD

**Second Supplemental Information Disclosure Statement
and Fee Under 37 C.F.R. § 1.97(c)**

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Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on May 3, 2002, in connection with the above-captioned application. A copy of each document is also provided.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, concise explanation of the relevance of non-English language documents AP5 and AM6 cited on Form PTO 1449:

Document **AP5**, WO 98/53056, is in the German language. An English language abstract appears on the face page of this document.

Document **AM6**, WO 99/25851, is in the Japanese language. An English language abstract appears on the face page of this document.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Second Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. The fee for submission of an Information Disclosure Statement under 37 C.F.R. § 1.17 (p) is believed to be \$180.00. Fee payment is provided in the accompanying Form PTO-2038 Credit Card Payment form.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: Jan. 30, 2003

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January 30, 2003

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Art Unit 1636

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Utility Patent Application
Appl. No. 09/732,914; Filed: December 11, 2000
For: **Use of Multiple Recombination Sites with Unique Specificity in Recombinational Cloning**
Inventors: CHEO *et al.*
Our Ref: 0942.5010002/RWE/BJD

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Second Supplemental Information Disclosure Statement and Fee Under 37 C.F.R. § 1.97(c);
2. Form PTO-1449 (7 pages) citing 47 documents;
3. Copies of documents AE4-AK4, AP4, AR82-AT82, AA5-AG5, AL5-AP5, AR83-AT83, AL6-AP6, AR84-AT84, AL7-AM7, AR85-AT85, AR86-AT86, AR87-AT87 and AR88-AS88;
4. PTO Fee Transmittal (Form PTO/SB/17);
5. Form PTO-2038 Credit Card Payment Form; and
6. A return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
January 30, 2003
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency,
or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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Enclosures

BJD/JKM:amr

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